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*Missouri
Ethics
Commission*

1995 Report

B. Definitions

On the following pages the terms “receipts”, “expenditures”, and “contributions made” are used. Provided below are definitions of each of these terms.

1. Receipts: The total of all contributions received and other receipts reported in support of or opposition to a candidate or ballot measure for the election.
2. Expenditures: The total expenditures in support of the candidate(s) reported in support of or opposition to a candidate or ballot measure for the election.
3. Contributions Made: The contributions made in support of or opposition to other candidates, political parties, ballot issues, committees, or organizations reported for the election.

C. Compilation of Contributions and Expenditures

The year 1995 was an "off year" in the election cycle, which means that there were only municipal elections and no elections for statewide office. Three cities held elections for which the Missouri Ethics Commission receives reports. Those cities were Springfield, Kansas City and St. Louis. In Springfield and Kansas City, there were elections for the offices of mayor and city council. In St. Louis, there were elections for the offices of President of the Board of Alderman and 16 alderman seats.

Springfield Elections

1. Primary Election

The Springfield primary election was held on February 7, 1995. These elections are nonpartisan. A total of fifteen candidates filed for office. Three candidates filed for the office of mayor, and twelve candidates filed for the office of city council. The three candidates for mayor reported receipts which totaled \$18,180. The twelve candidates for city council reported receipts which totaled \$30,225. The cumulative total of receipts reported to the Missouri Ethics Commission for all the candidates was \$48,405.

The three mayoral candidates and seven city council candidates reported expenditures which totaled \$18,769. The remaining five city council candidates each filed an exemption statement stating that they would spend less than \$1,000 each.

All of these fifteen candidates reported making no contributions.

Springfield Primary Election Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$18, 180	\$30,225	\$48,405
EXPENDITURES	\$ 4, 296	\$14,473	\$18,769
CONTRIBUTIONS	0	0	0

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EXPENDITURES	\$ 4, 296	\$14,473	\$18,769
CONTRIBUTIONS	0	0	0

2. General Election

The general election was held on April 4, 1995. Ten candidates were successful in the primary election and advanced to the general election. The two candidates for mayor reported receipts which totaled \$43,836. The eight candidates for city council reported receipts which totaled \$67,059. The cumulative total of receipts reported to the Missouri Ethics Commission for all candidates was \$110,895.

These candidates reported expenditures which totaled \$109,805. None of the candidates filed an exemption statement stating they would spend less than \$1,000.

All of these candidates reported making no contributions.

Springfield General Election Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 43,836	\$ 67,059	\$110,895
EXPENDITURES	\$ 43,729	\$ 66,076	\$109,805
CONTRIBUTIONS	0	0	0

The cumulative totals for the Springfield primary and general elections are provided below:

Springfield Election Grand Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 62,016	\$ 97,284	\$159,300
EXPENDITURES	\$ 48,025	\$ 80,549	\$128,574
CONTRIBUTIONS	\$ 0	\$ 0	0

The individual reports containing the information from which this compilation was made are available for review in the offices of the Missouri Ethics Commission.

Kansas City Elections

1. Primary Election

The Kansas City primary election was held on February 28, 1995. These elections are non-partisan. A total of thirty-five candidates filed for office. Three candidates filed for the office of mayor, and thirty-two candidates filed for the office of city council. The three mayoral candidates reported receipts which totaled \$488,955. The thirty-two candidates for city council reported receipts which totaled \$392,231. The cumulative total of receipts reported to the Missouri Ethics Commission for all the candidates was \$881,186.

The three mayoral candidates and thirty city council candidates reported expenditures which totaled \$538,606. The remaining two candidates each filed an exemption statement stating that they would spend less than \$1000 each.

The candidates reported making contributions totaling \$16,300.

Kansas City Primary Election Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 488,955	\$ 392,231	\$881,186
EXPENDITURES	\$ 347,536	\$ 191,070	\$538,606
CONTRIBUTIONS	\$ 1,600	\$ 14,700	\$ 16,300

2. General Election

The general election was held on March 28, 1995. Twenty-five candidates were successful in the primary election and advanced to the general election. The two candidates for mayor reported receipts which totaled \$374,306. The twenty-three candidates for city council reported receipts which totaled \$474,027. The cumulative total of receipts reported to the Missouri Ethics Commission for all candidates was \$848,333.

These candidates reported expenditures which totaled \$717,366. None of the candidates filed an exemption statement stating they would spend less than \$1,000.

These candidates reported making contributions totaling \$46,693.

Kansas City General Election Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 374,306	\$ 474,027	\$848,333
EXPENDITURES	\$ 394,854	\$ 322,512	\$717,366
CONTRIBUTIONS	\$ 8,489	\$ 38,204	\$ 46,693

The cumulative totals for the Kansas City primary and general elections are provided below:

KANSAS CITY GRAND TOTALS

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 863,261	\$ 866,258	\$1,729,519
EXPENDITURES	\$ 742,390	\$ 513,582	\$1,255,972
CONTRIBUTIONS	\$ 10,089	\$ 52,904	\$ 62,993

The individual reports containing the information from which this compilation was made are available for review in the offices of the Missouri Ethics Commission.

St. Louis Election

1. Primary Election

The St. Louis primary election was held on March 7, 1995. A total of thirty-nine candidates filed for office. Seven candidates filed for the office of President of the Board of Alderman, and thirty-two candidates filed for the office of Alderman. The seven candidates for President of the Board of Alderman reported receipts which totaled \$342,754. The thirty-two candidates for Alderman reported receipts which totaled \$174,591. The cumulative total of receipts reported to the Missouri Ethics Commission for all the candidates was \$517,345.

Twenty-six of the candidates reported expenditures which totaled \$345,938. The remaining thirteen candidates each filed exemption statements stating that they would spend less than \$1000 each. Two of those candidates that filed an exemption statement were candidates for mayor.

These candidates reported making contributions that totaled \$1,150.

St. Louis Primary Election Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 342,754	\$ 174,591	\$517,345
EXPENDITURES	\$ 247,109	\$ 98,829	\$345,938
CONTRIBUTIONS	\$ 365	\$ 785	\$ 1,150

The total receipts, expenditures, and contributions made by political party were as follows.

<u>Party</u>	<u>Contributions</u>	<u>Expenditures</u>	<u>Contributions Made</u>
Democrats: 34	\$507,032	\$340,196	\$1150
Republicans: 4	\$ 10,313	\$ 5,742	0.00
Libertarian: 1	Filed an exemption.		

2. General Election

The St. Louis City general election was held on April 4, 1995. Twenty-five candidates were successful in the primary election and advanced to the general

election. One candidate ran for the office of President of the Board of Alderman, and twenty-four candidates ran for an Alderman seat. These candidates reported receipts with a cumulative total of \$203,774 for the general election, and reported cumulative expenditures of \$246,116. Seven of the Alderman candidates filed an exemption statement for the general election stating that they would spend less than \$1,000 each.

St. Louis General Election Totals

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 68,205	\$ 135,569	\$203,774
EXPENDITURES	\$ 166,316	\$ 79,800	\$246,116
CONTRIBUTIONS	\$ 1,375	\$ 4,463	\$ 5,838

The total receipts, expenditures, and contributions made by political party were as follows.

<u>Party</u>	<u>Contributions</u>	<u>Expenditures</u>	<u>Contributions Made</u>
Democrats: 16	\$181,196	\$227,459	\$5,838
Republicans: 4	\$ 13,128	\$ 11,406	0.00
Libertarian: 1	Filed an exemption.		
Independent 4	\$ 9,450	\$ 7,251	0.00

The cumulative totals for the St. Louis primary and general elections are as follows:

ST. LOUIS GRAND TOTALS

	<u>MAYORAL CANDIDATES</u>	<u>CITY COUNCIL CANDIDATES</u>	<u>CUMULATIVE TOTAL</u>
RECEIPTS	\$ 410,959	\$ 310,160	\$721,119
EXPENDITURES	\$ 413,425	\$ 178,629	\$592,054
CONTRIBUTIONS	\$ 1,740	\$ 5,248	\$ 6,988

The individual reports containing the information from which this compilation was made are available for review in the offices of the Missouri Ethics Commission.

Special Election

On July 11, 1995, a special election in the City of St. Louis was held for 2 Alderman seats that had become vacant. Five candidates filed for these vacant positions. These candidates reported receipts totaling \$25,535 and reported expenditures totaling \$20,248. They reported contributions made to other committees totaling \$124. None of the candidates filed an exemption statement.

The individual reports containing the information from which this compilation was made are available for review in the offices of the Missouri Ethics Commission.

1995 ADVISORY OPINIONS

The following pages contain the summary of the advisory opinions issued by the Missouri Ethics Commission in 1995. The opinions issued by the Commission have been divided into topics for easy use. These topics are lobbying, campaign finance, conflict of interest, and personal financial disclosure. For additional information on any of the opinions contact the office of the Missouri Ethics Commission.

Lobbying Summary

<u>Opinion Number</u>	<u>Opinion Summary</u>
95.03.114—1	Individual who performs services on behalf of another in the areas of monitoring committee hearings and legislation does not need to register as a lobbyist.
95.05.127—2	Contributions made to the Speaker of the House's candidate or campaign Committee do not need to be reported on lobbyist's semiannual report.
95.09.147—3	Campaign contributions do not include soft drinks provided by lobbyists to legislators; candidate can only accept contribution limit for gift of artwork or other donated item which was auctioned.

Campaign Finance Summary

<u>Opinion Number</u>	<u>Opinion Summary</u>
95.01.101—1	Campaign funds cannot be used for personal use. It must be shown that payments for legal representation were used in the holding of a political office.
95.01.102—2	Expenditure limits of Section 130.052 apply separately to primary and general elections; anyone who receives a contribution or makes expenditures on behalf of a candidate is considered an "agent"; contributions received by continuing committees are not restricted; continuing committees are allowed to spend funds in support of or in opposition to any candidate or ballot proposition.
95.01.105—3	Resolution 1/28/95- Commission instructed to take no action to enforce provisions of Prop A; local prosecutors are not affected by injunction.
95.03.106—4	Candidates for the soil and water conservation district are required to file the statement of acceptance or rejection of the campaign expenditure limits contained in Section 130.052 (Candidate Affidavit).
95.03.107—5	Candidates who filed for city council in December 1994 do not have to file candidate affidavit of Section 130.052; candidate seeking election in ward with population of less than 100,000 persons are subject to limitations prescribed in Section 130.052.8(5); mayor of Springfield is subject to \$100,000 expenditure limit.
95.03.108—6	In-kind contributions treated as monetary contribution; candidate is

limited by expenditure portion of statutes concerning personal contributions.

- 95.03.111—7 One contribution check which contains the names of two individuals could be split to attribute one-half to each; when check is accompanied by directions on how contribution is to be credited, such direction shall be followed.
- 95.03.112—8 No statutory guideline as to limits upon an employer's duty to provide contributions through payroll deduction; no numerical limitations on the number of continuing committees that may be certified by employees.
- 95.05.116—9 AG Opinion #147-95. Section 130.032.4 prohibits contributions during the time period allowed for the enrolling, engrossing, and signing of bills which time period is prior to the adjournment of the general assembly; Section 130.032.4 prohibits contributions during special sessions and veto sessions of the general assembly; Section 130.032.4 does not prohibit the mailing on April 15 of an invitation to a fund-raiser which will be held on June 15 if the money for the fund-raiser will be collected after the regular session of the general assembly has ended.
- 95.05.117—10 Continuing committee is limited to contributing \$100 per election cycle to a candidate in a ward with a population under 100,000.
- 95.05.118—11 All candidates for office are subject to the provisions of Prop A.
- 95.05.119—12 Resolution 5/2/95-Commission will not consider the receipt of contributions in excess of the Prop. A limits from 12/18/94 through 4/18/95 to be subject to referral for criminal action; provisions concerning excess campaign funds will be enforced for all elections beginning with 11/8/94, however, candidates who have complied with the statute prior to 5/15/95 will not be subject to referral for prosecution.
- 95.05.120—13 Resolution 5/12/95- Commission instructed to take no action to implement, enforce, or act in reliance on any of the provisions of Sections 130.130, 130.052, 130.053, 130.031.12 nor to apply the definition of "contribution" contained in Sec. 130.011(12)(a) to the contribution limits contained in Section 130.100 or 130.032.1 until directed otherwise.
- 95.05.121—14 Resolution 5/2/95 (MEC OP. 95.05.119) issued to requesting party. Commission will not consider the receipt of contributions in excess of the Prop. A limits from 12/18/94 through 4/18/95 to be subject to referral for criminal action.
- 95.05.122—15 Funds may be raised to retire debt previously reported; newly enacted

legislation may affect the retirement of debt made prior to 11/8/94.

- 95.05.123—16 Political party committees may accept contributions during the regular legislative session provided the contribution is not on behalf of an individual enumerated in Section 130.032.4.
- 95.05.124—17 Debt owed by committee and collection and payment of debt should be a matter of public record and if debt is not reported, it would be considered a subterfuge of law.
- 95.05.125—18 There is no time limit within which balance of funds in previous candidate committee account may be used to make donations to other campaigns.
- 95.05.127—19 AG Opinion #159-95. For purposes of Section 130.011(26) "public office" is defined to include Speaker of the House which is also a "state office". Therefore an individual who seeks election to the Speaker's office is a "candidate" and is required to file disclosure reports; contributions made to the Speaker of the House's candidate or campaign committee do not need to be reported on lobbyist's semiannual report.
- 95.06.128—20 Requirements of Section 130.046.5(2) apply to candidate committees; committees are required to file quarterly campaign disclosure reports if thresholds are exceeded, or a statement of limited activity if thresholds are not met.
- 95.07.133—21 Candidate may maintain separate candidate committee for each office sought; candidate is limited to receiving contributions for debt reduction by amount allowed, per election cycle, for specific office sought.
- 95.07.134—22 Election authority is MO House of Representatives, for candidate seeking office of Speaker of the House; campaign finance disclosure reports, for candidates seeking the Speaker's office, should be filed with the presiding officer of the MO House; Speaker of House is not "lucrative" office within meaning of MO Constitution; temporary presiding officer need not file campaign disclosure reports while presiding over the House unless they accept contributions related to their seeking such office.
- 95.07.135—23 Football tickets purchased with campaign funds can be used as an incentive award to a deserving student.
- 95.08.137—24 Campaign debt may be retired with contributions outside the constraints of Section 130.100 provided those contributions are expressly made to retire outstanding debt.

- 95.09.138—25 Committee reports must be filed according to Sections 130.046.1, 130.046.3 and 130.051.5 RSMo even if committee is a separate campaign committee for Speaker of MO House; contribution limit for campaign committee for Speaker of MO House is \$300 per person, per election cycle.
- 95.09.139—26 1996 Election candidates are subject to campaign limitations in Prop. A; election cycle for 1996 candidates is 11/8/94 through 11/5/96; contributions made prior to 11/8/94 do not count against Prop. A limits.
- 95.09.142—27 Continuing Committee must be true continuing committee and not established solely for the benefit of specific candidate; continuing committee cannot be formed, controlled or directed by a candidate.
- 95.09.144—28 Campaign committee is to exempt from the mandates of SB 650 even though committee was formed prior to 1/1/95.
- 95.09.145—29 Publication liable for failure to properly disclosure person(s) paying for political advertisement
- 95.09.146—30 Candidate may not raise money through candidate committee without declaring office sought; elected officials may continue to use their candidate committees provided they have specified office sought.
- 95.09.147—31 Campaign contributions do not include soft drinks provided by lobbyists to legislators; candidate can only accept contribution limit for gift of artwork or other donated item which was auctioned.
- 95.09.148--32 Payment to poll worker is considered a contribution; committee may contribute to other committee provided the contribution is not earmarked for candidate.
- 95.09.149—33 Separate debt committee should be organized for each campaign debt; member of general assembly, or committee acting on behalf, cannot accept contributions during regular session.
- 95.10.155—34 Expenses incurred through legislator's involvement with national conference of state legislatures may be paid from candidate committee provided they are ordinary and necessary expenses incurred within duties of elective office.
- 95.10.156--35 Contributions which are made to a continuing committee must be candidate specified by the grantor in order for the \$100, \$200 and \$300 contribution limit not to apply to the continuing committee.
- 95.12.159—36 Balance of candidate committee funds must be disposed of in

accordance with Section 130.034 RSMo., Ethics Commission does not have jurisdiction over federal campaign limitations.

95.12.160—37 Candidate Committee can be controlled by only one candidate.

Conflict of Interest Summary

<u>Opinion Number</u>	<u>Opinion Summary</u>
95.03.110—3	No conflict of interest exists where individual serves on State Board of Mediation and is also a treasurer for a campaign committee.
95.03.113—4	Conflict exists for state employee who would tender resignation to take job for the position he helped to create.
95.03.115—5	Brentwood school district is not a “business entity” within the meaning of Section 105.450; however, Alderman could violate Section 105.452.5 if he voted on plat of property of school district because he is also a part-time employee of that district.
95.05.126—6	An appearance of impropriety may exist where attorney represents public administrator, who was previously his secretary.
95.07.130—7	No conflict exists for representative to sit on community advisory committee.
95.07.131—8	An appearance of impropriety may exist where employees of the Division of Workers’ Compensation also own a private “for profit” corporation which publishes educational materials concerning workers’ compensation.
95.07.132—9	Attorney, who is also married to state Rep. may perform public relations in association with sole proprietorship, provided she is aware of the conflict of interest statutes.
95.07.136--10	No conflict exists for Representative to participate as a member of the MO National Guard in service to community.
95.09.140—11	Appearance of impropriety may exist in the hiring of Representative’s campaign treasurer as district staff member, however, there is not violation of the statutes.
95.09.141--12	It is a violation of Section 105.454(1) and (4) for MO Real Estate Commission member to be paid as expert witness by that Commission.
95.09.143--13	No conflict of interest exists for attorney whose law firm previously

represented university and who is now private counsel for that university.

- 95.10.150--14 No conflict exists where city councilperson also serves on special road district board. However, conflict may arise if city official enters into contract between city and special road district.
- 95.10.151--15 Conflict exists if wife accepts position as Director of Fine Arts Academy while husband is Commissioner of Education.
- 95.10.152—16 State Representative may accept scholarship from College to complete education.
- 95.10.153—17 Associate Commissioner's spouse may be hired in County Clerk's Office.
- 95.10.154—18 Individual, who formerly worked for the Dept. of Elementary and Secondary Education, may help prepare documents concerning Title I program for school districts; however, any attempt to influence the Dept. of Elementary Education would be considered a violation.
- 95.12.158—19 There is no direct prohibition or conflict of interest for accepting contributions from MO Health Care Facilities Committee provided the applicable statutes are followed.

Personal Financial Disclosure Summary

<u>Opinion Number</u>	<u>Opinion Summary</u>
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|-------------|---|
| 95.01.100—1 | St. Louis County's proposed financial interest statement was reviewed, and approved, once it was determined it met the statutory requirements. |
| 95.01.104—2 | Judicial financial interest statement should be amended to be made under the penalty of perjury, signed and verified. |
| 95.07.129—3 | Statutes do not require municipal judges to file personal financial disclosure statements with this Commission. |
| 95.12.157—4 | Section 105.487(1) clearly states it is the responsibility of the election authority to provide written notice of the candidate's obligation to file a personal financial disclosure statement; all candidates for elective office must file a personal financial disclosure statement; all candidate personal financial disclosure statements must be filed with the Missouri Ethics Commission. |